

Date of Hearing: March 17, 2010  
Time of Hearing: 10:00 a.m.  
Place of Hearing: White Plains, NY

**UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re:

TESTWELL, INC.

Debtor.

) Chapter 11

)

) Case No. 09-22796 (RDD)

)

) **AMENDED NOTICE OF MOTION**  
) **OF TD BANK, N.A. TO LIFT THE**  
) **AUTOMATIC STAY OR IN THE**  
) **ALTERNATIVE TO CONVERT**  
) **DEBTOR'S CASE TO A CASE**  
) **UNDER CHAPTER 7**

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PLEASE TAKE NOTICE that, the Motion of TD Bank, N.A., Pursuant To Sections 105 and 362(d)(1) Of The Bankruptcy Code, To Lift The Automatic Stay, Or, In The Alternative, To Convert Debtor's Case To A Case Under Chapter 7, originally filed on May 14, 2009 (D.E. 15), which motion was originally scheduled for hearing on May 15, 2009, and was thereafter adjourned to May 26, 2009, and was thereafter adjourned to June 3, 2009, and was thereafter adjourned to June 22, 2009, and was thereafter adjourned to July 13, 2009, and was thereafter adjourned to July 21, 2009, and was thereafter adjourned to August 5, 2009, and was thereafter adjourned to September 8, 2009, and was thereafter adjourned to October 6, 2009, and was thereafter adjourned to January 7, 2010 and was thereafter adjourned to March 9, 2010 shall now be heard in the Hon. Charles L. Bricant Jr. Federal Building and Courthouse, 300 Quarropas

Street, White Plains, New York 10601-4140 on the 17th day of March, 2010 at 10:00 a.m. of that day or as soon thereafter as counsel can be heard, at which time TD Bank, N.A. shall, upon the papers previously filed, seek an Order, pursuant to 11 U.S.C. §§ 105 and 362(d)(1), lifting the automatic stay and permitting it to recover its collateral, or in the alternative, pursuant to 11 U.S.C. §§ 1112(b)(2) and (4), converting the Debtor's case to a case under Chapter 7 of the Bankruptcy Code, together with such other, further and/or different relief as the Court may deem just and proper.

DATED: New York, New York  
March 10, 2010

Respectfully submitted,

OTTERBOURG, STEINDLER, HOUSTON  
& ROSEN, P.C.

By: /s/ Stanley L. Lane, Jr.  
Stanley L. Lane, Jr. (SL 8400)  
A Member of the Firm  
Attorneys for TD Bank, N.A. (the successor  
by merger to Commerce Bank, N.A.)  
230 Park Avenue  
New York, New York 10169  
(212) 661-9100

TO:

Scott S. Markowitz, Esq.  
Attorney for Debtor  
Tarter Krinsky & Drogin LLP  
1350 Broadway, 11th Floor  
New York, NY 10018

Office of the U.S. Trustee  
33 Whitehall Street, 21st Floor  
New York, NY 10004-2112

Twenty Largest Unsecured Creditors  
(see attached list)

Twenty Largest Unsecured Creditors

Case 09-22796-RDD - Testwell, Inc.

American Express  
Attention: President  
P.O. Box 2855  
New York, NY 10116

CTL Group  
Attention: President  
P.O. Box 75674  
Chicago, IL 60675

Davidoff Malito & Hutcher LLP  
Attention: President  
605 Third Avenue  
New York, NY 10158

Garfield, Seltzer & Curcio  
Attention: President  
551 Fifth Avenue  
New York, NY 10175

Health Net of NY Inc.  
Attention: President  
P.O. Box 19017  
Hartford, CT 06150

Jackson Lewis LLP  
Attention: President  
P.O. Box 34973  
Newark, NJ 07189

Laboratory Testing Services  
Attention: President  
45-09 Greenpoint Avenue  
Sunnyside, NY 11104

Linklaters LLP  
Attention: President  
19<sup>th</sup> Floor  
1345 Avenue of the Americas  
New York, NY 10105

Local 282 Welfare Trust Fund  
Attention: President  
2500 Marcus Avenue  
New Hyde Park, NY 11042

Martin B. Adelman, PC  
Attention: President  
225 Broadway  
New York, NY 10007

McGraw Hill Construction  
Attention: President  
P.O. Box 5729  
Harlan, IA 51593

Michael Mazzeo Electric Corp.  
Attention: President  
41-24 24<sup>th</sup> Street  
Long Island City, NY 11101

N&N Drilling Supply  
Attention: President  
P.O. Box 95  
Peckville, PA 18452

NY Dist Council of Carpenters  
Attention: President  
395 Hudson Street  
New York, NY 10014

Salvatore J. Barone  
67 Lake Avenue  
Tuckahoe, NY 10707

Tectonic Engineering  
Attention: President  
P.O. Box 37  
Mountainville, NY 10953

Town of Ossining  
16 Croton Avenue  
Ossining, NY 10562

Urban Engineers  
Attention: President  
530 Walnut Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19106

Village of Ossining  
P.O. Box 1108  
Ossining, NY 10562

Willis of N.Y. Inc.  
Attention: President  
P.O. Box 4557  
New York, NY 10261